

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

United States of America v. George Moises Romero, Jr.
Case No. 4:24-cr-00019-TMB

By: THE HONORABLE TIMOTHY M. BURGESS

PROCEEDINGS: ORDER FROM CHAMBERS

This matter comes before the Court on Defendant George Moises Romero, Jr.’s Motion for Clarification (the “Motion”) regarding the Court’s Order at Docket 177.¹ The United States (the “Government”) responded to the Motion.² For then reasons discussed below, the Court **GRANTS** the Motion.

The Court’s analysis at Docket 177, regarding the constitutionality of laws disarming violent felons, applies to both 18 U.S.C. §§ 922(g)(1) and 931(a)(1). The Second Amendment protects the right of individuals to keep and bear arms and “extends, *prima facie*, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding.”³ It is not clear whether body armor constitutes “arms” as used in the Second Amendment. However, even assuming that “body armor” is analogous to a firearm, *District of Columbia v. Heller* concluded that Second Amendment protections should not “be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons.”⁴ As explained in the Court’s Order at Docket 177, the Supreme Court was careful to preserve *Heller* in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*.⁵

Therefore, the Court **GRANTS** the Motion. However, for the reasons already stated in its Order at Docket 177, confirms that the Court **ACCEPTS and ADOPTS** the Final Report and Recommendation of the Magistrate Judge at Docket 164 in its entirety and **DENIES** the Motion to Dismiss at Docket 102.

Entered at the direction of the Honorable Timothy M. Burgess, United States District Judge.

DATE: March 30, 2025.

¹ Dkt. 189 (Motion for Clarification).

² Dkt 195 (Supplement to Opposition to Defendant’s Motion to Dismiss).

³ *D.C. v. Heller*, 554 U.S. 570, 582 (2008).

⁴ *Id.* at 626.

⁵ *See* 597 U.S. 1 at 17 (2022).